

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**INEZ HUDSON**

**VS.**

**DAVID DEISCH,  
GATEWAY DISTRIBUTION, INC.,  
AND GATEWAY DISTRIBUTION  
OF TEXAS, INC.**

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**CIVIL ACTION NO. \_\_\_\_\_**

**JURY TRIAL REQUESTED**

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**DEFENDANTS GATEWAY DISTRIBUTION, INC.  
AND GATEWAY DISTRIBUTION OF TEXAS, INC.'S  
NOTICE OF REMOVAL**

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TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendants, GATEWAY DISTRIBUTION, INC. and GATEWAY DISTRIBUTION OF TEXAS, INC., file this Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446, showing the following basis for removal.

**INTRODUCTION**

1. Plaintiff, INEZ HUDSON, filed Plaintiff's Original Petition against Defendants on August 2, 2017, under Cause No. 2017-51247, pending in the 129<sup>th</sup> Judicial District Court, Harris County, Texas. Citations upon the Defendants were issued on August 3, 2017.
2. As of the filing of this Notice of Removal, DAVID DEISCH has not yet been served with Plaintiff's Original Petition. Mr. Deisch has signed the attached Consent for Removal.
3. Defendant, GATEWAY DISTRIBUTION OF TEXAS, INC. was served with Plaintiff's Original Petition by and through the Texas Secretary of State on August 4, 2017.
4. Defendant, GATEWAY DISTRIBUTION, INC. was served with Plaintiff's Original Petition by and through the Texas Secretary of State on August 4, 2017.

5. This original Notice of Removal is filed within thirty days of service upon Defendants GATEWAY DISTRIBUTION OF TEXAS, INC. and GATEWAY DISTRIBUTION, INC., the statutory period for removal as required under 28 U.S.C. §1446(b).

#### **JURISDICTION**

6. This court has removal jurisdiction over this lawsuit pursuant to 28 U.S.C. §§1441 and 1446, and based upon diversity of citizenship under 28 U.S.C. §1332. Plaintiff, INEZ HUDSON, is domiciled in Houston, Harris County, Texas and is a citizen of that state. Defendant DAVID DEISCH is an individual who resides in Bethel, Ohio, and therefore is a citizen of that state. Defendant GATEWAY DISTRIBUTION OF TEXAS, INC. is a defunct corporation and dissolved in 2013. Defendant, GATEWAY DISTRIBUTION, INC. is incorporated in the State of Ohio with its principal place of business in Cincinnati, Ohio, and therefore is a citizen of that state. Thus, there is diversity of citizenship between Plaintiff and Defendants.

7. Consistent with TEX. R. CIV. P. 47, Plaintiff seeks monetary relief over \$200,000 but under \$1,000,000 in her Original Petition. Plaintiff seeks to recover damages for bodily injuries, including past and future medical care and expenses, past and future pain and suffering, past and future physical impairment, past and future loss of earnings, property damage, past and future mental anguish, and past and future physical disfigurement. Therefore, based on information and belief of Defendants herein, Plaintiff is seeking damages in excess of this court's jurisdictional minimum of \$75,000.00, excluding interest and costs.

8. All pleadings, process, orders, and other filings in the state court action in the possession of Defendants are attached to this notice as required by 28 U.S.C. §1446(a).

9. Venue is proper in this district under 28 U.S.C. 1391(b)(2) because the sole basis for Plaintiff's suit and claim for damages arose from a motor vehicle accident which happened

on or about November 11, 2015 at or near the intersection of Southwest Freeway Service Road and Bellfort Street, in Harris County, Texas.

10. Defendants will promptly file a copy of this Notice of Removal with the clerk of the state court where the action has been pending.

**JURY DEMAND**

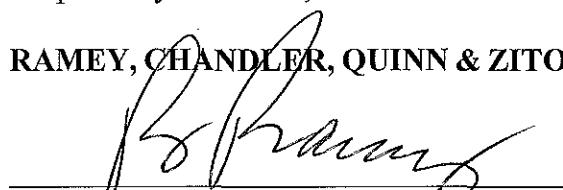
11. Defendants GATEWAY DISTRIBUTION, INC. and GATEWAY DISTRIBUTION OF TEXAS, INC. hereby make a demand for a jury trial.

**CONCLUSION**

For these reasons, GATEWAY DISTRIBUTION, INC. and GATEWAY DISTRIBUTION OF TEXAS, INC., therefore give notice of their removal of this lawsuit to this Court, and an automatic stay of further proceedings in state district court.

Respectfully submitted,

**RAMEY, CHANDLER, QUINN & ZITO, P.C.**

  
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**ATTORNEYS FOR DEFENDANTS,**  
**GATEWAY DISTRIBUTION, INC. and**  
**GATEWAY DISTRIBUTION OF TEXAS, INC.**

**CERTIFICATE OF SERVICE**

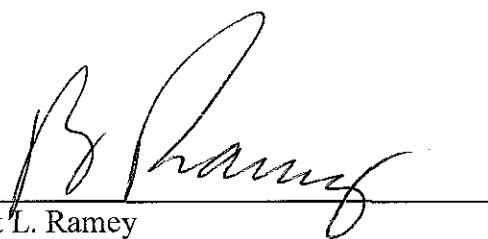
I hereby certify that a true and correct copy of *Defendants' Notice of Removal* has been served upon all counsel of record, in accordance with the rules on this 1st day of September, 2017, as follows:

Jordan A. Glaze  
Josh Garrett  
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Robert L. Ramey